

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

James T. O'Daniel,

Petitioner,

v.

Case No. 1:11cv115

Robin Knab, Warden,
Chillicothe Correctional Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation ("R&R") filed by the Magistrate Judge on March 21, 2012. (Doc. 17.)

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Plaintiff filed timely objections to the Magistrate Judge's R&R. (Doc. 19.)

However, Petitioner's objections incorporate by reference the arguments he previously made in the traverse and the petition itself. Petitioner also includes a list of objections, but without any discussion.

Objections must be stated with specificity because "[t]he filing of objections to a magistrate's report enables the district judge to focus attention on those issues-factual and legal-that are at the heart of the parties' dispute." *Thomas v. Arn*, 474 U.S. 140, 147 (1985). "A general objection to the entirety of the magistrate's report has the same effects as would a failure to object." *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Because Petitioner only filed general objections, the Court will treat Petitioner's objections as a failure to object.

Accordingly, the Court hereby **ADOPTS** the Magistrate Judge's R&R. (Doc. 17.)

It is hereby **ORDERED** that:

1. Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED** with prejudice;
2. A certificate of appealability will not issue under the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000);
3. With respect to any application by petitioner to proceed on appeal in *forma pauperis*, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting this Report and Recommendation would not be taken in "good faith," and therefore **DENIES** petitioner leave to appeal in *forma pauperis* upon a showing of financial necessity. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997); and
4. This matter shall be **CLOSED and TERMINATED** from the active docket of this Court.

IT IS SO ORDERED.

/s/ Michael R. Barrett

Michael R. Barrett
United States District Judge